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CUMULATIVE POCKET SUPPLEMENT

TO THE . . . CODE
OF FEDERAL
REGULATIONS

Title 25—Indians

AS OF
JANUARY 1
1961

For changes on and after

January 1, 1961, see the daily issues of the Federal Register

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

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§ 161.4 Permission to survey.

Anyone desiring to obtain permission to survey a right-of-way upon and across restricted lands must file a written application therefor with the Superintendent. The application shall adequately describe the proposed project, and it shall be accompanied by the written consent of the landowners as required by § 161.3, by satisfactory evidence of the good faith and financial responsibility of the applicant, and by a check or money order of sufficient amount to cover double the estimated damages which may be sustained as a result of the survey. With the approval of the Superintendent, a surety bond may be substituted in lieu of a check or money order accompanying an application. Such bond may serve as surety to accompany other applications by the same applicant made under this section, if adequate in amount. An application filed by a corporation must be accompanied by proof of corporate existence and of compliance with State laws entitling the applicant to operate in the State in which the restricted land is situated. An application filed by an unincorporated partnership or association must be accompanied by a certified copy of the articles of partnership or association, or if there be none, this fact must be stated over the signature of each member of the partnership or association. If the applicant has previously filed with the Department an application accompanied by the evidence required in this section, a reference to the date and place of such filing, accompanied by proof of current financial responsibility and good faith, will be sufficient. Upon receipt of an application made in compliance with the regulations of this part, the

Superintendent may grant the applicant written permission to survey.

[24 F.R. 10676, Dec. 24, 1959]

§ 161.5 Permission to commence construction.

Subject to the provisions of § 161.3, permission to proceed with construction work on a right-of-way may be granted by the Superintendent at the same time or after permit to survey is issued and before full compliance is made with the regulations in this part, provided the applicant deposits with the Superintendent in advance such amount, in addition to that deposited in accordance with § 161.4, or increases the surety bond in such amount, as will be sufficient to equal twice the estimated damages which may result from the survey and construction, and agrees in writing to comply promptly with the regulations in this part. The amount of the deposit, if the applicant is an agency of the Federal or of a State Government, will be a sum to cover only the estimated damages whenever it be shown to the satisfaction of the Superintendent that the funds of the applicant are not available for the deposit of the greater amount. Each deposit shall be held in a "special deposit" account until the actual damages have been determined and the application for the right-of-way has been approved.

[24 F.R. 10676, Dec. 24, 1959]

§ 161.8 Maps.

(a) Each application for a right-of-way must be accompanied by maps of definite location consisting of an original on linen tracing or other permanent and reproducible material and three reproductions thereof. Two originals shall be filed if the applicant desires the return of an original showing the approved right-of-way. The field notes shall accompany the application, as provided in § 161.9. The width of the right-of-way shall be clearly shown on the original map.

[Paragraph (a) amended, 25 F.R. 7979, Aug. 18, 1960]

§ 161.16 Action on application.

Upon satisfactory compliance with the regulations in this part, the Superintendent

ent is authorized to approve the application by endorsing his approval on the map of definite location. Upon approval of the application, the Superintendent shall promptly notify the applicant, and thereafter the applicant may proceed with the construction work, if such permission has not been obtained under § 161.5. The approved original right-of-way map bearing the written signature of the Superintendent shall be transmitted to the Commissioner.

[25 F.R. 7979, Aug. 18, 1960]

§ 161.19 Tenure of approved right-of-way grants.

All rights-of-way granted under the regulations in this part shall be in the nature of easements or permits for the periods stated therein. They are terminable upon abandonment or discontinuance of the use for which granted. Rights-of-way for railroads, telephone lines, telegraph lines, public highways, and water control projects including but not limited to dams, reservoirs, flowage easements, ditches and canals shall be without limitation as to term of years. Rights-of-way for all other purposes shall be for a period of not to exceed 50

years, as fixed by the Secretary and stated in the grant, and shall be subject to renewal for a like term upon compliance with the applicable regulations.

[25 F.R. 7979, Aug. 18, 1960]

§ 161.26 Telephone and telegraph lines; radio, television and other communications facilities.

(b) Applicants engaged in the general telephone and telegraph business may apply for additional land for office sites. The maps showing the location of proposed office sites shall be filed separately from those showing the line of route, and shall be drawn to a scale of 50 feet to an inch. Such maps shall show enough of the line of route to indicate the position of the tract with reference thereto. The tract shall be located with respect to the public survey as provided in § 161.10, and all buildings or other structures shall be platted on a scale sufficiently large to show clearly their dimensions and relative positions.

[Paragraph (b) amended, 25 F.R. 7979, Aug. 18, 1960]